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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,057	07/30/2003	Stephen M. Gardner	139146USNP	8774
24587	7590	12/26/2007		
ALCATEL LUCENT INTELLECTUAL PROPERTY & STANDARDS 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			EXAMINER CHAN, SAI MING	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/630,057

Applicant(s)

GARDNER ET AL.

Examiner

Sai-Ming Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statements (IDS) submitted on November 17, 2003 and September 27, 2004 have been considered by the Examiner and made of record in the application file.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Wallace et al. (U.S. Patent Publication #20030177213)**.

Consider **claims 1, 7 and 13**, Wallace et al. clearly disclose and show a method of generating a database (paragraph 0002, lines 10-17 (Trail Manager)) of connection endpoints between a sub-network of network elements, where the network elements are connected through a high speed network (paragraph 0012 (optical network)), comprising the steps of:

transmitting source endpoint identifiers on outgoing channels of some or all of

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the network elements (paragraph 0005 (transmit a signal from each node); paragraph 0008 (transmitter));

on a particular network element, receiving source endpoint identifiers from other network elements on incoming channels (paragraph 0006 (detection of signature by a node); paragraph 0008 (receiver)) and associating the source endpoint identifiers with destination endpoint identifiers (paragraph 0005 (correlating the detected data); paragraph 0008 (correlator)); and

generating a database (paragraph 0002, lines 10-17 (Trail Manager)) responsive to receiving the associated source and destination endpoint identifiers (paragraph 0008 (correlating)).

Consider **claim 2**, and **as applied to claim 1 above**,

**claim 8**, and **as applied to claim 7 above**,

**claim 14**, and **as applied to claim 13 above**,

Wallace et al. clearly disclose and show a method wherein the generating step comprises the step of transmitting associated source and destination endpoint identifiers to a central control processor (paragraph 0011 (bidirectional trail); paragraph 0014 (computer program)).

Consider **claim 3**, and **as applied to claim 2 above**,

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**claim 9, and as applied to claim 8 above,**

**claim 15, and as applied to claim 14 above**

Wallace et al. clearly disclose and show a method wherein each network element maintains a table associating received source endpoint identifiers to corresponding destination endpoint identifiers (paragraph 0004 (each node automatically discovers its connectivity); paragraph 0008 (correlator)).

Consider **claim 4, and as applied to claim 1 above,**

**claim 10, and as applied to claim 7 above,**

Wallace et al. clearly disclose and show a method and further comprising the step of assigning a numeric identifier to each network element (paragraphs 0300-0303).

Consider **claim 5, and as applied to claim 4 above,**

**claim 11, and as applied to claim 10 above,**

**claim 16, and as applied to claim 13 above**

Wallace et al. clearly disclose and show a method wherein the transmitting step comprises the step of transmitting source endpoint identifiers including the numeric identifier of the network element transmitting the source endpoint identifier (paragraph 0008 (each node transmits a signature unique to each node)).

Consider **claim 6**, and **as applied to claim 1 above**,  
**claim 12**, and **as applied to claim 7 above**,  
**claim 17**, and **as applied to claim 13 above**

Wallace et al. clearly disclose and show a method wherein said transmitting step comprises the step of transmitting source endpoint identifiers on path overhead fields of outgoing channels of some or all of the network elements (paragraph 0042 (in spare bytes in the SONET overhaed)).

### ***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

**Sai-Ming Chan**  
S.C./ sc

*Seema S. Rao*  
SEEMA S. RAO 12/20/07  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000

December 19, 2007